

Application No.: 10/024,385
Amendment Dated: October 3, 2003
Reply to Office Action of: July 3, 2003

REMARKS

Applicants respectfully request reconsideration of the application, as amended, in view of the following remarks.

The present invention as set forth in **amended Claim 1** relates to a molding composition, comprising:

- II. from 0.1 to less than 5 parts by weight of a polyamine-polyamide graft copolymer which is prepared using the following monomers:
 - c) from 0.5 to 25% by weight, based on the graft copolymer, of a branched polyamine having at least 4 nitrogen atoms and a number-average molar mass M_n of at least 146 g/mol, and
 - d) polyamide-forming monomers selected from the group consisting of lactams, ω -aminocarboxylic acids, and equimolar combinations of diamine and dicarboxylic acid; and
- II. from more than 95 to 99.9 parts by weight of a thermoplastic polyester, where the total of the parts by weight of I and II is 100;

wherein said branched polyamine is selected from the group consisting of branched polyethyleneimines having the following distribution of amino groups: from 25 to 46% of primary amino groups, from 30 to 45 % of secondary amino groups, and from 16 to 40% of tertiary amino groups.

Amended Claim 11 relates to an injection molding composition, **consisting essentially of:**

- I. from 0.1 to 20 parts by weight of a polyamine-polyamide graft

copolymer which is prepared using the following monomers:

- a) from 0.5 to 25% by weight, based on the graft copolymer, of a branched polyamine having at least 4 nitrogen atoms and a number-average molar mass M_n of at least 146 g/mol, and
 - b) polyamide-forming monomers selected from the group consisting of lactams, ω -aminocarboxylic acids, and equimolar combinations of diamine and dicarboxylic acid; and
- II. from 80 to 99.9 parts by weight of a thermoplastic polyester, where the total of the parts by weight of I and II is 100;

wherein said branched polyamine is selected from the group consisting of branched polyethyleneimines having the following distribution of amino groups: from 25 to 46% of primary amino groups, from 30 to 45 % of secondary amino groups, and from 16 to 40% of tertiary amino groups.

Amended Claim 21 relates to a molding composition, **consisting essentially of:**

- A. from 40 to 99.5% by weight of a mixture made from
 - I. from 0.1 to 20 parts by weight of a polyamine-polyamide graft copolymer which is prepared using the following monomers:
 - a) from 0.5 to 25% by weight, based on the graft copolymer, of a branched polyamine having at least 4 nitrogen atoms and a number-average molar mass M_n of at least 146 g/mol, and
 - b) polyamide-forming monomers selected from the group consisting of lactams, ω -aminocarboxylic acids, and equimolar

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combinations of diamine and dicarboxylic acid, and

II. from 80 to 99.9 parts by weight of a thermoplastic polyester, where the total of the parts by weight of I and II is 100; and

B. from 0.5 to 60% by weight of at least one particulate, laminar or fibrous additive selected from the group consisting of fillers, pigments, reinforcing materials, additives which give the molding composition antistatic properties or electrical conductivity, nucleating agents, and particulate flame retardants;

wherein an amount of each of A and B is based on the total sum of A and B;

wherein said branched polyamine is selected from the group consisting of branched polyethyleneimines having the following distribution of amino groups: from 25 to 46% of primary amino groups, from 30 to 45 % of secondary amino groups, and from 16 to 40% of tertiary amino groups.

Claims 11 and 21 have been amended to include the transitional phrase "consisting essentially of", thereby excluding the polyamide used in the adhesion promoter of Boer et al (US 6,355,358) (col. 8, line 20). The addition of polyamide will result in a change of the properties of the molding composition and a shift towards the properties of the polyamide will occur. Thus, the present invention is not anticipated by Boer et al. A prima facie case of obviousness of the claims over Boer et al is moot in view of the fact that the present application and Boer et al were, at the time the invention of the present application was made, owned by Degussa AG. Thus, the present application would qualify under the exemption under 103(c)/102(e).

Therefore, the rejection of Claims 11-30, 34-39, 41 and 42 under 35 U.S.C. §102(e)

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as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Boer et al (US 6,355,358) and the rejection of Claims 1-10, 31-33 and 40 under 35 U.S.C. §103(a) as obvious over Boer et al (US 6,355,358) are believed to be unsustainable and withdrawal of these rejections is respectfully requested.

In addition, the rejection of Claims 1-31, 33, 34, 36, 37 and 39-42 under 35 U.S.C. §103(a) over GB 1210790 in view of Cawthon (US 3,442,975) is respectfully traversed.

None of GB 1210790 or Cawthon disclose or suggest the use of a **branched polyamine selected from the group consisting of branched polyethyleneimines having the following distribution of amino groups: from 25 to 46% of primary amino groups, from 30 to 45 % of secondary amino groups, and from 16 to 40% of tertiary amino groups.** GB 1210790 has merely a general disclosure of a graft copolymer having a polyimine backbone (GB 1210790, page 1, col. 1, lines 31-34) and Cawthon discloses polyethyleneimine or substituted polyethyleneimines (Cawthon, col. 3, lines 58-62). However, there is no disclosure or suggestion of the claimed **branched polyethyleneimine**.

Therefore, the rejection of Claims 1-31, 33, 34, 36, 37 and 39-42 under 35 U.S.C. §103(a) over GB 1210790 in view of Cawthon (US 3,442,975) is believed to be unsustainable as the present invention is neither anticipated nor obvious and withdrawal of this rejection is respectfully requested.

The rejection of Claims 21-30 and 37-42 under 35 U.S.C. §112, 2nd paragraph, is obviated by the amendment of Claims 21, 30 and 40-42. In Claim 21, the basis for A and B has been provided. In Claim 30, the additives have been defined as additives other than those of Claim 21 as supported at page 8, last paragraph to page 9, first paragraph. The language

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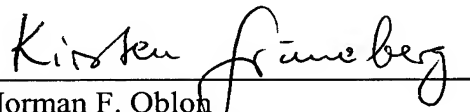
of Claims 40-42 has been clarified.

The rejection of Claims 11-42 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-31 of Boer et al (US 6,355,358) and the provisional rejection of Claims 1-31, 33, 34, 36, 37 and 39-42 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claim 4 of copending application Serial No. 10/022,878 will be addressed once the Examiner has found the claims allowable over all other prior art of record.

Applicants submit that the present application is now in condition for allowance and early notice of such action is earnestly solicited.

Respectfully submitted,

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